

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED LAM, et al.,

Plaintiff(s),

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendant(s).

No. C 08-4702 PJH

**ORDER GRANTING MOTION
TO DISMISS**

Defendants' motion to dismiss certain claims of plaintiffs' third amended complaint ("TAC") was before the court for hearing on April 21, 2010. Evgenii Sverdlov appeared for plaintiffs and Lauren Monson appeared for defendants. The court having reviewed the parties' papers and heard their arguments, hereby GRANTS the motion for the reasons stated on the record. Accordingly, the second, third and fourth causes of action of the TAC asserting § 1981 violations are DISMISSED. Because plaintiffs have already had three opportunities to amend their complaint and because they argue no additional facts that would make these claims viable under the court's interpretation of the relevant precedent, the dismissal is with prejudice.

A case management conference will be held to establish a pretrial schedule on May 27, 2010 at 2:00 p.m. along with the severed but related case number C 10-0752 PJH.

IT IS SO ORDERED.

Dated: April 21, 2010



PHYLLIS J. HAMILTON
United States District Judge